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10/27/2003

Naoto Moriyama

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EXAMINER

BITAR, NANCY

ART UNIT

PAPER NUMBER

2624

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,653

Applicant(s)

MORIYAMA, NAOTO

Examiner

Nancy Bitar

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation at lines 14-18 of claim 1 of “wherein the correspondence setting section prohibits the setting of the correspondence of the identification information of the cassette, which is judged by the judging section to be nonusable for the next radiographing, to the radiographing order information” is unclear, it is unclear what feature, element or limitation is being defined by this claim language, so that the claim fails to clearly point out and distinctly claim applicant’s invention. Claims 2-8 are variously dependent from claim 1 and are thus similarly indefinite.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kanada et al (US 4,352,988).

As to independent claim 1, Kanada et al. discloses a medical image radiographing system (note: abstract; Figure 1; column 14 lines 11-12) comprising:

a medical image reading apparatus (image archiving apparatus 17 or 18 which reads desired image data ,column 14 lines 22-25, figure 1) to read out identification information (ID number of the patient, column 16 line 7) of a cassette and a medical image from the cassette recording the medical image radiographed according to radiographing order information (examination order information, note that image data recorded by the image recording 12 and 13 may be stored directly in the image archiving apparatus 17 or 18, column 14, lines 4-30 and that the examination order information may include the date of examination,

the ID number of a patient, a modality code, a code of the image requesting department status, see column 16, lines 5-8));

a portable radiographing information apparatus (image recording modalities figure 1 elements 12,13 and figure 11 elements 112, 113 and 116 reference terminal) having a correspondence setting section to set correspondence of the identification information of the cassette to the radiographing order information for radiographing using the cassette(the image server 14 compares the patient ID number associated with the image data 40 sent from the image recording modalities 12 or 13 with the patient ID number contained in the information of the patient sent from the RIS and determines a delivery destination of the image data 40 in the case where the two patient ID number are identical to each other, column 20 lines 41-48) ;

and a judging section to judge(image server 14) whether or not the cassette is usable for next radiographing , wherein the correspondence setting section (image server 14) prohibits the setting of the correspondence of the identification information of the cassette, which is judged by the judging section to be nonusable for the next radiographing, to the radiographing order information. (the image server 14 judges whether or not past images of the patient stored in the archiving

apparatus 17 or 18 need to be pre-fetched ,based on the examination order information, see column 16, lines 19-23).

As to independent claim 9, Kanada et al. teaches a portable radiographing information apparatus(image recording modality 12 or 13), which is connected (10) with a medical image reading apparatus (image archiving apparatus 17 or 18) to read out identification information of a cassette and a medical image from the cassette recording the medical image radiographed (which reads desired image data, column 14 lines 22-25, figure 1) according to radiographing order information (examination order information, column 14, line 17), the portable radiographing information apparatus comprising: a radiographing order information receiving section to receive one or more pieces of radiographing order information (the image server 14 receives image data 40 related to the images, column 23, lines 1-5); a storing section (hard disc 14a)to store the one or more pieces of radiographing order information received by the radiographing order information receiving section (stores the image data 40 in a hard disc 14a, column 23, lines 1-5) ;
an input section (image recording modalities 12 and 13, column 23, line 3) to input the identification information of the cassette used for radiographing in ; a correspondence setting section to set correspondence of the identification

information of the cassette inputted by the input section to one piece of radiographing order information which is selected from the one or more pieces of radiographing order information stored by the storing section and which relates to the radiographing using the cassette (patient ID number associated with image data 40 with the patient ID number contained in the examination order information sent from the RIS, column 23, lines 7-11); and a radiographing order transmitting section (workstation 15 or the reference terminal 16 to transfer the image data, column 14 lines 25-28) to transmit the identification information of the cassette (the system carries out information transmission and processing based on examination order information regarding patients of the requesting departments or on photographing information in the image recording modalities 12 and 13, column 14 lines 11-20) and the radiographing order information (examination order information, column 14 line 18) of which the correspondence to each other is set by the correspondence setting section (image server 14), wherein the correspondence setting section prohibits the setting of the correspondence of the piece of identification information of the cassette, which is judged to be nonusable for next radiographing, to the radiographing order information of the cassette used for the next radiographing (the image server 14 compares the patient ID number associated with the image data 40 sent from the image recording modalities 12 or

13 with the patient ID number contained in the information of the patient sent from the RIS and determines a delivery destination of the image data 40 in the case where the two patient ID number are identical to each other, column 20 lines 41-48).

As to dependent claim 2, Kanada et al. teaches the medical image radiographing system of claim 1 (see claim 1 above) further comprising: a control apparatus (controlling means, column 11, line 14) to control the medical image reading apparatus to obtain the identification information and the medical image of the cassette (image archive apparatus 17 or 18 which reads desired image data ,column 14 lines 22-25, figure 1), the control apparatus comprising: the judging section (judging means, column 11, line 18); and a judging result transmitting section to transmit a judging result obtained by the judging section to the portable radiographing information apparatus, wherein the correspondence setting section of the portable radiographing information apparatus prohibits the setting of the correspondence according to the judging result transmitted from the judging result transmitting section (control means for transmitting to the image display terminal a search result including information indicating a location of the image in the database in the case where the judging means has judged image processing to be unnecessary, column 11, lines 14-24).

As to dependent claim 3, Kanada et al. teaches the medical image radiographing system of claim 1 (see claim 1 above); wherein the portable radiographing information apparatus further comprises:

a radiographing order receiving section(14) to receive one or more pieces of radiographing order information (the image server 14 receives image data 40 related to the images, column 23, lines 1-5);

a storing section (hard disc 14a) to store the one or more pieces of radiographing order information received by the radiographing order receiving section (stores the image data 40 in a hard disc 14a, column 23, lines 1-5) ;

an input section to input the identification information (image recording modalities 12 and 13, column 23, line 3, note that a series of items of the examination order information corresponding to the input image can be picked up correctly out of plurality of items of the examination order information, each associated with a single patient, column 23 lines 42- 46) of the cassette used for radiographing in; and a radiographing order transmitting section to transmit the identification information of the cassette and the radiographing order information (examination order information, column 23, line 18), of which the correspondence to each other is set by the correspondence setting section (image server 14, column 23, lines 7-16), to the control apparatus after the radiographing, wherein the

correspondence setting section of the portable radiographing information apparatus sets the correspondence of the identification information of the cassette inputted by the input section to one piece of radiographing order information which is selected from the one or more pieces of radiographing order information stored by the storing section and which relates to the radiographing using the cassette (patient ID number associated with image data 40 with the patient ID number contained in the examination order information sent from the RIS, column 23, lines 7-11),

and wherein the judging section judges (judging means, image server 14) whether or not the cassette is usable for the next radiographing, according to both the identification information of the cassette and the radiographing order information transmitted by the radiographing order transmitting section and both the identification information of the cassette and the medical image obtained by the medical image reading apparatus (in case the two image patient ID numbers are identical to each other, the image server 14 adopts the examination order information having the patient ID number as a standard for selecting the pre-fetched image, column 23, lines 11-16) . Note that once the output is received it is delivered to the workstation after fetching the image from the image archiving apparatus, column 24, lines 1-6).

As to dependent claim 4, Kanada et al. teaches the medical image radiographing system of claim 2; wherein the control apparatus (114) and the portable radiographing information apparatus (112,113) are connected with each other through a network (110), and the medical image reading apparatus (image archiving apparatus, 117,118,119) and the control apparatus (114) are connected with each other through a wire (a radiology department information system (RIS) 111, image recording modalities 112 and 113, an image server 114 as a medical image search apparatus, a diagnostic workstation 115 which is a terminal, a reference terminal 116, image archiving apparatuses 117, 118 and 119, a laser printer 120, and the like are connected to the network 110, see column 24, lines 22-28, Figure 11,110 it appears that the network is a wired network).

As to dependent claim 5, Kanada et al. teaches the medical image radiographing system of claim 2; wherein the control apparatus, the portable radiographing information apparatus and the medical image reading apparatus are connected with one another through a network (Figure 11,110, note that the image search server 14 comprises the control means described above, and the control means is included in the image search server 14, column 28, lines 33-36).

As to dependent claim 7, Kanada et al. teaches the medical image radiographing system of claim 1 (see claim 1 above); wherein the medical image

reading apparatus sets the correspondence of the identification information of the cassette to the medical image read out from the cassette (image archive apparatus 17 or 18 which reads desired image data, column 14 lines 22-25, figure 1), the system further comprising: an image correspondence setting section (image server 14 compares the patient ID number associated with image data 40, column 23, lines 6-10) to set the correspondence of the medical image to the radiographing order information according to both the identification information of the cassette and the radiographing order information of which the correspondence to each other is set by the correspondence setting section and both the identification information of the cassette and the medical image of which the correspondence to each other is set by the medical image reading apparatus (with the patient ID number contained in the examination order information of the patient sent from the radiology department information system, column 23 lines 9-13).

As to dependent claim 8, this claim is analyzed as previously discussed with respect to claim 7 above where claim 8 teaches the control system comprising note that the control means is included in the image server 14, column 28 line 36)

As to claim 11, Kanada et al. teaches in figure 11 the portable radiographing information apparatus (112,113) of claim 10; which is connected (110) with the

medical image reading apparatus through a control apparatus (image server 114, figure 11).

As to dependent claim 12, Kanada et al. teaches the portable radiographing information apparatus of claim 10; which is connected with the medical image reading apparatus through a network (image recording modalities 112, and 113, an image server 114 as a medical image search apparatus 117, 118, and 119, a laser printer 120, and the like are connected to the network 110, see column 24, lines 22-27).

Therefore, Kanada et al. meets each of the limitations of the claims and anticipates the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada et al. in view of Fukushima et al (U.S. Patent No. 5,051,849).

As to claim 6 and 10, note the discussion of Kanada above, Kanada disclose the medical image radiographing as recited in claim 6 with exception of describing the limitation " a warning section ". For example, Kanada discloses the portable radiographing information (image recording modality, figure 1 and figure 11). Kanada teaches the identification information of the cassette inputted by the input section (patient ID number associated with image data 40, column 23 lines 8) agrees (in case the two image patient ID numbers are identical to each other, the image server 14 adopts the examination order information having the patient ID number as a standard for selecting the pre-fetched image, column 23, lines 11-16). with the identification information of the cassette judged to be nonusable for the next radiographing (patient ID number contains in the examination order information, column 23 line 9). Kanada clearly teaches the judging section (judging means configured to judge the necessity of the pre-fetching based on a judging standard (column 21 lines 58-65), but does not mention a warning section to warn that the cassette is nonusable. Fukushima et al. teaches the controller 91 causes the display device 92 to display or warn the cassette is not loaded (step S24; (column 14, line 37 though column 15, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the control to warn the cassette whether is not usable as taught by

Fukushima to the controlling means of Kanada (column 4 lines 12-17) in order to record the information while avoiding double or overlapped recording and to obtain prompt recording under all conditions (column 1, lines 23-24 and column 2 lines 4-5)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blum et al. (US-6, 405,165 B1) is cited to teach a recording unit contains a cassette where it stores the physicians report.

Motoki et al. (US-6, 920,465 B2) is cited to teach a radiographing apparatus including an input section which patient and radiographing information are stored in a memory.

Rothschild et al. (US-6, 678,703) teaches a central data management system that includes the storage and transmission of electronic records containing medical images.

Shiibashi et al. (7,092,970 B2) is cited to teach a portable radiographing apparatus for performing medical radiographing at a bedside of a patient

Moriyama et al. (2004/0086164 A1) is cited to teach storage section for storing the radiographing order information and an assigning section for assigning an operator for performing radiography and transmitting the radiographing order information to the portable terminal.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nancy Bitar whose telephone number is 571-270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Bitar

09/20/2006



JOSEPH MANCUSO
SUPERVISORY PATENT EXAMINER